

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2176 OF 2017***

1. Jamana G.Prajapati	)	
2. Bhavan Nanjibhai Gorvadiya	)	...Applicants
Versus		
The State of Maharashtra & Anr.		...Respondents

Ms. Shabnam Latiwala , for the applicants.

Mr.S.H.Yadav,APP, for the State.

Mr. D.V.Washimkar, Police Naik,Kamothe Police Station present.

CORAM : SMT. SADHANA S.JADHAV, J.

DATE : 14th December, 2017.

P.C. :

1. Heard. This is an application under Section 438 of Cr.P.C. The applicants herein are apprehending their arrest in Crime No.102 of 2017 registered at Kamothe Police Station for the offence punishable under section 380 read with section 34 of the Indian Penal Code.
2. It is the case of the prosecution that on 6.8.2017, Girdharilal Prajapati had filed a private complaint before the Magistrate. An order under Section 156(3) of Cr.P.C. was passed and in pursuance of the said directions, offence was registered on 6.8.2017. It appears from the record

that on 25.12.2016, the PSI of Kamothe Police Station had recorded statement of the applicant No.1 in which she had stated that she voluntarily left the house along with applicant No.2 and she would get married to him subsequently. The records would show that the applicant No.1 had married to applicant No.2 on 15.8.2017 and the marriage was registered on 21.8.2017. It is in these circumstances, the applicants are praying for pre-arrest bail.

3. The learned APP submits that the applicants have not approached the Court of Sessions and, therefore, the application for pre-arrest bail should not be considered by this Court. Taking into consideration the facts of the case and the security of the applicants who are at present residing at Rajkot, Gujarat, this Court is inclined to exercise powers under Section 438 of Cr.P.C.

4. The learned counsel for the applicants submits that the applicant No.1 is pregnant and since her parents were opposing the marriage, they have filed a false complaint in order to get her custody and to harass her.

5. Taking into consideration the facts of the case, this Court is inclined to allow the application.

ORDER

- (i) The application is allowed.
- (ii) That in the event of arrest in Crime No.102 of 2017 registered at Kamothe Police Station, the applicants be enlarged on bail on each furnishing P.R. Bond in the sum of Rs.15,000/- or personal bonds.

The application is allowed in the above terms and stands disposed of.

(SMT. SADHANA S.JADHAV, J.)